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## HESKA

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Date: February 8, 2006

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

Name: Examiner Ali R. Salimi, Group Art Unit 1648  
Facsimile Number: 571-273-8300  
Telephone Number: 571-272-0909  
Pages: 6 (including this cover page)  
Subject: Attorney File No. EQ-1-C2-2  
U.S. Patent Application Serial No. 10/734,373  
From: Theresa A. Brown, Esq. (970-493-7272 - Ext 4154)

Special Instructions:

Preliminary Amendment (5 pages)

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ATTN: MAIL STOP AMENDMENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Dowling, Patricia W.  
Youngner, Julius S.

Serial No.: 10/734,373

Filed: December 12, 2003

Atty. File No.: EQ-1 C2-2

For: "COLD-ADAPTED EQUINE  
INFLUENZA VIRUSES") Group Art Unit: 1648  
)  
) Examiner: Salimi, Ali Reza  
)  
) PTO Customer No.: 26949  
)PRELIMINARY AMENDMENT

<p style="text-align: center;">CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER A N SALIMI, FAX NO. 571 271-8300, ADDRESSED TO MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS 8TH DAY OF FEBRUARY 2006</p> <p style="text-align: center;">HESKA CORPORATION</p> <p>By: <u>Susan A. Gordon</u> Susan A. Gordon</p>
--

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following Preliminary Amendment and Response to Restriction Requirement is being filed in response to a Restriction Requirement mailed from the Patent and Trademark Office on January 11, 2006. No fees are believed to be due with this response; however, if additional fees are due, please debit Deposit Account No. 081930.

Please amend the above-identified patent application as follows: